

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CIVIL MINUTES

Case No.: 2:20-cv-002158-MO

Date: July 25, 2022

Case Title: Blue Mountains Biodiversity Project v. Jeffries et al

Courtroom Deputy: Jody Harper

Jody_Harper@ord.uscourts.gov

Telephone number (503)-326-8033

Judge: Hon. Michael W. Mosman

Reporter: Kellie Humiston

DOCKET ENTRY: Civil Minutes.

For the reasons stated on the record at oral argument, Plaintiff's Motion for Summary Judgment [ECF 66] is GRANTED in part and DENIED in part and Defendants' Cross Motion for Summary Judgment [ECF 67] is GRANTED in part and DENIED in part, as detailed below:

Claim 1, Count 1

- The Court GRANTS Plaintiff's motion as to the June 2019 meeting and DENIES Defendants' motion. The June 2019 meeting was NEPA-related and notice was inadequate.
- The Court GRANTS Defendants' motion as to the March 2020 extension and DENIES Plaintiff's motion.

Claim 1, Count 6

- The Court GRANTS Defendants' motion and DENIES Plaintiff's motion. Plaintiff abandoned its species-specific theory by failing to argue it in its Motion for Summary Judgment. Plaintiff failed to plead the 21" mandatory standard theory in the Amended Complaint.

Claim 2, Count 1

- The Court enters summary judgment on this claim for Defendants as Plaintiff abandoned this claim on summary judgment.

Claim 2, Count 3

- The Court enters summary judgment on this claim for Defendants as Plaintiff abandoned this claim on summary judgment.

The Court TAKES UNDER ADVISEMENT Claim 1, Count 2; Claim 1, Count 3; Claim 1, Count 4; Claim 1, Count 5; Claim 1, Count 7; Claim 2, Count 2; and Claim 2, Count 4. With regards to Claim 1, Count 4, Plaintiff's Counsel is directed to file a supplemental statement of authorities by 08/01/2022, as discussed at Oral Argument.